

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

LONNIE TILLERY,

Petitioner,

04 CV 317 (ARR)

-against-

NOTICE OF OBJECTION

JAMES CONWAY, Superintendent,

Respondent,

X

Notice is hereby given that Petitioner Lonnie Tillery, in the above case hereby file this Notice Of Objection from the Opinion and Order of October 12, 2004, denying his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The grounds for this Objection is as follow(s).

1. The Respondents failed to comply with Rule 5 in that they did not provide the District Court with the complete record as required by law (a). Any briefs submitted by the appellate to the Appellate Division Second Department, (b). The brief submitted by the prosecution to the Appellate Court relating to the conviction or sentence, (c). The opinion and dispositive orders of the Appellate court. (d). Certified copies of the Trial Transcripts, Transcripts from the Wade, Huntley, and Sandoval hearing and proceedings thereof.
2. The District Court was limited to reviewing the complete record and therefor the Petitioner was denied his Due Process Right to a fair and impartial hearing on his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Therefore, the Petitioner Object to the entire proceeding and Opinion and Order render by Allyne R. Ross, United States District Judge.

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* OCT 29 2004 *
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3. The Petitioner further object to the Prosecution mis-stating the evidence in their reply to Petitioner's Writ Of Habeas Corpus, for example; The Prosecution stated that their expert witness Barbara Sampson, indicated that the victim was shot directly in the chest, but the actually testimony was that the victim was shot in the arm and it travel through his arm to his chest. See; Respondent Answer in Opposition (Pages 21,22 an 23).

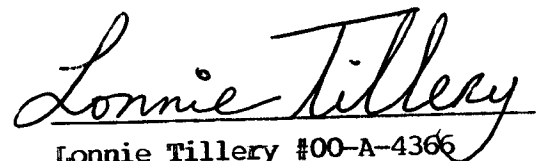
4. The Petitioner further object to the Court circumventing the facts that When the Police from Kings County traveled to Rome New York to apprehend the Petitioner he never left Police Custody and therefore his Right to Counsel had Attached on the pending Felony Charge and also there was a Scheme to arrest the Petitioner and therefore he could not waive his right to counsel without his attorney actually being present.

5. The Petitioner also object to the fact that the Respondent(s) concealed from this Court for review that his physical appearance was altered during the Line-up, in which he was made to place a band-Aid over a very distinguishable facial (Mold) that was virtually impossible for anyone to miss. The Petitioner also object to the fact that the fillers that was in the Line-up was from the Homeless Shelter and there was a serious age difference that made the Line-up highly Suggestive and Tainted, but the Respondents by failing to comply with Rule 5 and provide the District Court with a complete record of the lower Court's proceeding was able to conceal this information.

6. The Petitioner would like for this Court to observe that he is objecting to the entire Opinion and Decision of this Court, and all objections are made to the extent of being GENERAL OBJECTIONS and SPECIFIC OBJECTIONS.

CONCLUSION

For the reasons stated above, the Petitioner Notice Of Objections and Objections are clearly set forth and should become part of the records in this Proceedings.



Lonnie Tillery #00-A-4366

Attica Correctional Facility

Post Office Box 149

Attica, New York 14011-0149

Dated: OCTOBER 22, 2004

ATTICA, NEW YORK

AFFIDAVIT OF SERVICE

I, Lonnie Tillery, being duly sworn depose and says:

1. I am the Petitioner in this action, and am presently incarcerated at Attica Correctional Facility Post Office Box 149, Attica, New York 14011-0149.
2. That on the below indicated date I served a true and exact copy of the enclose NOTICE OF OBJECTIONS upon the following partie(s):

(A) ALLYNE R. ROSS


UNITED STATES JUDGE
UNITED STATES DISTRICT COURT
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

(B) CHARLES J. HYNES

DISTRICT ATTORNEY, KINGS COUNTY
350 JAY STREET
BROOKLYN, NEW YORK 11201-2908

at the above indicated addresses which is their mailing address to the best of my knowledge.

I, declare under the Penalty of Perjury 28 U.S.C. § 1746, that the foregoing is true and correct.


Lonnie Tillery #00-A-4366

Dated: OCTOBER 22, 2004

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